

Exhibit No. 7Date 3-16-09Bill No. SB 217

Senate Bill 217

March 16, 2009

Presented by Ken McDonald

Senate Finance and Claims Committee

Mr. Chairman and committee members, for the record I am Ken McDonald, Wildlife Division Administrator of Montana Department of Fish, Wildlife & Parks (FWP).

For purposes of clarification, game animals as described in this bill include deer, elk, antelope, moose, sheep, goat, wild bison, mountain lions, and bears.

FWP opposes this bill and finds it to be problematic for several reasons:

The actions called for in this bill are considered a diversion of FWP's license funds, which would result in loss of over \$18 million in federal funds annually from the U.S. Fish and Wildlife Service. The code of federal regulations, 50 CFR 8.4 states, "Revenue from license fees paid by hunters and fisherman shall not be diverted to purposes other than administration of the state fish and wildlife agency." Expenditures of general license fees as required by SB 217 will constitute a diversion of license fees and result in the loss of approximately \$18.7 million federal dollars. The loss of these federal dollars in FY2010 and beyond will result in the reduction of 128.00 FTE and \$16,406,836 from both Wildlife and Fisheries programs. It should be noted that the Montana Legislature has adopted ascent language, agreeing to comply with the federal aid CFRs.

SB 217 is very open-ended with respect to which diseases apply and falsely assumes wildlife are at fault for ANY diseases "that MAY BE TRANSMITTED" to livestock by game animals. While right now there is a focus on brucellosis, there are numerous other livestock-wildlife diseases that could apply that have huge implications to wildlife, and likely have nothing to do with the wildlife population status. Big horn sheep populations are severely affected by diseases carried by domestic sheep. There is a recent case in North Dakota where a cattle herd was implicated as the source of Tuberculosis. Wildlife officials there are now scurrying to try to keep that disease from spreading to the deer population in the area of that herd. If this were in MT, and if this bill were in effect, FWP would be required to pay for the testing of all livestock for tuberculosis – even though the source of the disease is a livestock source. Other examples include anthrax and blue tongue, which appear to be weather dependent as much as anything; BVD (bovine viral diarrhea), Johnes disease (intestinal disease), and worst-case scenario, something as disastrous and foot and mouth disease. The primary vector for these diseases coming into the state is domestic livestock.

We disagree with the premise that wildlife are the cause of all livestock diseases and believe these examples highlight significant problems with this bill.

Because wildlife disease is such an important issue to both the wildlife and livestock communities, FWP has been increasing the resources and staff dedicated to disease surveillance, planning, and mitigation, including redirecting FTE to create a wildlife veterinarian position. See attachment at the end of my testimony.

During consideration of this bill by the Senate Ag Committee, the bill was amended to specify only brucellosis transmitted by elk in counties where livestock are being tested. While that amendment clarified the scope of the bill, the fiscal note remained the same in that the diversion issue remains and most of the additional costs were calculated based on the cost of brucellosis testing over the next few years. The bill was ultimately tabled in committee, but is now before this committee sans the amendment.

It is our understanding that a motivation behind this bill is to ensure FWP assumes some responsibility towards addressing the brucellosis issue and the regaining of Montana's brucellosis-free status. FWP takes this issue very seriously and has taken the position that brucellosis is not a livestock issue, and it is not a wildlife issue, it is a disease issue. It is in the state's best interest to foster and maintain a healthy livestock industry and healthy wildlife populations. Towards that end, FWP has been working very hard to address the disease issue. FWP has been working for many years to understand the extent and prevalence of brucellosis in bison and elk through testing of hunter-killed elk and elk captured as part of research efforts. We distributed over 8,000 test kits to hunters, outfitters, and landowners this last hunting season in the hunting districts around YNP. We are now getting the returned kits analyzed. We have been deploying GPS collars to better understand seasonal elk movements and distribution in relation to livestock. This surveillance and elk distribution data have been provided to the Department of Livestock and was used to develop and refine the Brucellosis Action Plan. We have implemented progressively more liberal hunting seasons directed towards reducing elk numbers in hunting districts where elk are over objective. We are now working closely with DoL and individual livestock producers or groups of producers to develop and implement disease risk mitigation strategies that are focused towards preventing co-mingling of livestock and elk during high-risk periods. Disease risk mitigation strategies being considered include hazing, fencing, hunt coordination, management seasons, kill permits, and other site-specific actions that keep elk and livestock separated.

We need to be working together to address this and other disease issues to minimize impacts to both interests. This is best done by working together to address the problems in the best manner possible, not by drawing a line in the sand as this bill does. Everyone who has a stake in this matter—including livestock growers, hunters, and representatives of federal and state agencies—need to work together. Only then can we assess where disease transmission risk is highest, figure out how to reduce the risk, and pursue the elimination of brucellosis in both wildlife and livestock once and for all. FWP is committed to continuing to work collaboratively to address disease issues like brucellosis, and believes this is the best approach to addressing this issue that affects multiple interests.

For all of the above reasons, FWP strongly opposes this bill, and we urge you to do so as well.